

REMARKS/ARGUMENTS

In response to the Final Office Action mailed January 25, 2010, Applicants propose to amend their application and request reconsideration in view of the proposed amendments and the following remarks. In this amendment, Claim 6 is proposed to be amended, no new claims have been added and claims 9 and 10 were previously cancelled without prejudice so that Claims 6-8 remain pending. No new matter has been introduced.

Claims 6-7 were rejected as being unpatentable over U.S. Patent Publication No. 2005/0065596 to Tseng et al. (Tseng) in view of Windecker et al. (Current Pharmaceutical Design) and U.S. Patent Application Publication No. 2005/0106203 to Roorda et al. (Roorda). Claims 6 and 8 were rejected as being unpatentable over Tseng in view of Windecker and Roorda and further in view of U.S. Patent Publication No. US 2002/0013616 to Carter et al. (Carter). These rejections are respectfully traversed.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art, considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations.

Tseng discloses trichostatin A. Windecker discloses the use of rapamycin. Roorda discloses the blends of polymers. Carter discloses stents. However, none of the references, whether taken alone or in combination disclose or suggest the unique invention of amended independent claim 6. More specifically, the references fail to disclose or suggest all of the claimed elements in combination with distinct polymers to create physical and chemical barriers to drug elution. As indicated above, Roorda discloses blends as set forth in all his examples. In the present invention, the layers of polymers are distinct, there are no blends. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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